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IPW (10)

PATENT
0514-1050-1

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Clement MEYER et al.

Conf. 6683

Application No. 10/614,028

Attn: Office of Petitions

Filed July 8, 2003

PROCESS FOR AUTOMATIC REMOVAL
OF PACKAGES

PETITION TO ACCORD A FILING DATE UNDER 37 CFR 1.53(e)

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 22, 2005

Sir:

Petitioner respectfully requests review of the accompanying Notice of Incomplete Nonprovisional Application mailed on April 22, 2005, which initially denies a filing date to the present application on the ground that the application was allegedly deposited without drawings.

Section 503 of the Manual of Patent Examining Procedure (MPEP) clearly states that a postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the United States Patent and Trademark Office of all the items listed thereon, on the date stamped thereon by the United States Patent and Trademark Office.

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A careful review of the accompanying postcard receipt, which contains all the necessary identifying data, will reveal that the original application papers filed on July 8, 2003, included six sheets of formal drawings. In this regard, it should be noted that the postcard receipt bears the attorney's docket number, the inventors' names, the title, as well as the USPTO mailroom date stamp of July 8, 2003.

This Petition is timely, pursuant to 37 CFR 1.181(f), because it is being filed within two months from the mailing of the Notice initially denying a filing date.

The Commissioner is hereby authorized to charge the requisite 37 CFR 1.17(f) petition fee of \$400 to counsel's deposit account No. 25-0120.

In this regard, the Notice of Incomplete Nonprovisional Application also contemplates the refund of the petition fee, in the event the petition states that the applicant is entitled to a filing date, as is the case here.

Accordingly, petitioner also hereby respectfully requests refund of the \$400 petition fee upon the grant of this petition.

In view of the above facts, it is respectfully requested that this application (Serial No. 10/614,028) be accorded the original filing date of July 8, 2003, pursuant to 37 CFR 1.53(e)(2) and 37 CFR 1.181.

A copy of the originally filed six sheets of drawing on July 8, 2003, which were apparently misplaced by the United States Patent and Trademark Office, accompanies this petition.

Respectfully submitted,

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